

**STATE OF SOUTH CAROLINA  
COUNTY OF JASPER**

**ORDINANCE #2020-\_\_**

**AN ORDINANCE  
OF JASPER COUNTY COUNCIL**

To Amend the Jasper County Code of Ordinances, Chapter 9, Civil Emergencies, by Providing for the Deletion of Article II, County Disaster Preparedness Agency, codified as Sections 9-26 through 9-50, and Reserving that Article for Future Use, Amending Article III, County Emergency Management Agency , codified as Sections 9-51 through 9-79, to Reflect Certain Changes in Department Names, Providing for the Adoption of a Revised Jasper County Emergency Operations Plan, and Matters Related Thereto

**WHEREAS**, the Jasper County Code of Ordinances was previously amended by Ordinance 2001-01 adding Article III of Chapter 9, County Emergency Management Agency, but did not delete explicitly Article II, County Disaster Preparedness Agency, created by Ordinance of 6-5-95, although the functions of the Article II Disaster Preparedness Agency were assumed by the Article III Emergency Services Management Agency; and

**WHEREAS**, The County Emergency Services Management Agency has for years as a matter of usage been referred to as a Department, being Jasper County Emergency Services, and it is the desire of County Council to formalize that naming convention, and status as a department of Jasper County government; and

**WHEREAS**, Jasper County Administration and its Department of Emergency Services have engaged the services of outside consultants to update the Emergency Operations Plan, last amended in 2004, and Council, having reviewed

the revised Emergency Operations Plan dated January, 2020, desires to officially adopt the plan;

**NOW THEREFORE BE IT ORDAINED** by the Jasper County Council in council duly assembled and by the authority of the same:

**Section 1.** The Jasper County Code of Ordinances, Chapter 9, Article II, *County Disaster Preparedness Agency*, being codified as Section 9-26 through 9-36, with Sections 9-37 through 9-50 reserved, is deleted in its entirety, to be replaced by a new “Article II (*Reserved*),” with Sections 9-25 through 9-50 shown as “Reserved.”

**Section 2.** The Jasper County Code of Ordinances, Chapter 9, Article III, *County Emergency Services Agency*, is amended by renaming the Article to “*County Emergency Services*,” and Sections 2-51 through 9-63 are amended as follows:

Sec. 9-51. - Intent.

It is the intent and purpose of this act to establish an organization as a department of the County, to be known as the Jasper County Emergency Services, that will insure the complete and efficient utilization of all resources in any disaster or County or State emergency. This department will be the directing agency for all activities in connection with the disaster or emergency; it will be the instrument through which the Jasper County Council shall exercise its authority under the laws of this state during a disaster or an emergency against this county or any part of this state. This act will not relieve any Jasper County department of the normal responsibilities or authorities given to it by general law or local resolution or ordinance, nor will it affect the work of the American Red Cross or other volunteer agencies organized for relief in natural disasters.

Sec. 9-52. - Definitions.

As used in this act term:

*Director* shall mean the Director of the Jasper County Emergency Services.

*Disaster Emergency Management* shall have a broad meaning and shall include preparations, response and recovery of any natural or manmade disasters in and affecting Jasper County. It shall not include any activity that is the responsibility of the military forces of the United States.

*Disaster* shall mean any condition seriously threatening public health, welfare, or security as a result of a severe fire, explosion, flood, tornado, hurricane, earthquake, pandemic or other similar natural, accidental or manmade cause which is beyond the control of public or private agencies ordinarily responsible for the control or relief of such conditions.

*Volunteer* shall mean contributing service, equipment or facilities to Emergency Services without reimbursement or without formal agreements or contracts of hire. While engaged in such

services, they shall have the same immunities as persons and employees of the county performing similar duties.

Sec. 9-53. - Created.

There is hereby created the office of Director of Jasper County Emergency Services, who shall be responsible for directing the day-to-day operations of the department, executing the instructions of the county administrator and coordinating the activities of various county emergency forces during a period of disaster or emergency. The director shall be appointed by the county administrator. The director shall be empowered and required to direct and coordinate and render assistance to county, municipal and state officials in the development of plans for the use of all facilities, equipment, manpower and other resources of the county and municipalities for the purpose of minimizing or preventing damage to persons or property in emergency or disaster situations. County and municipal personnel shall include in such plans the restoration of governmental services and public utilities necessary for the public health, safety and welfare. The director shall further direct the efforts of County emergency services in the implementation of the provisions of this act.

Sec. 9-54. - Members.

All county officials and employees of the county, together with those volunteer forces enrolled to aid them during a disaster, and persons who may, by agreement or operation of law be charged with duties incident to the protection of life and property in the county during times of disaster or emergency, shall constitute Jasper County Emergency Services department.

Sec. 9-55. - County council duties.

(a) The county council shall be responsible for addressing the imminent threats of public health, welfare and property conservation and the dangers of the county and its residents resulting from disasters and emergencies of any origin and may issue proclamations and regulations concerning emergency relief and related to matters of which during an emergency situation shall have the full force and effect of the law.

(b) A state of emergency may be declared by the county council if it finds an emergency or disaster has occurred, or that the threat thereof is imminent, and extraordinary measures are deemed necessary to cope with the existing or anticipated situation. Once declared, the state of emergency shall continue until terminated by proclamation of the county council, or such proclamation expires as specified in the initial proclamation. All proclamations issued pursuant to the section shall indicate the nature of the emergency or disaster, the area or areas affected by the proclamation, and the conditions under which it will be terminated.

(c) A state of emergency may be declared as follows:

(1) By county council duly assembled at a regular scheduled, special called or emergency meeting;

(2) When county council is unable to assemble, for any reason, within a reasonable time, or fails to achieve a quorum, the authority to declare a state of emergency is delegated in succession to:

- a. Chairman of the county council;
- b. Vice-chairman of the county council;
- c. Next senior county councilmember;
- d. County administrator;
- e. Emergency services director.

(d) In addition to any other powers conferred by law, the county council may, under the provisions of this act:

- (1) Suspend existing laws and regulations prescribing the procedures of conduct for county business if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay the necessary action in coping with the emergency;
- (2) Utilize all available resources of county government as reasonably necessary to cope with the disaster emergency;
- (3) Transfer the direction, personnel or functions of county departments and agencies or units thereof for the purpose of facilitating or performing emergency services as necessary or desirable;
- (4) Compel performance by elected and appointed county government officials and employees of the duties and functions assigned in county disaster plans;
- (5) Contract, requisition and compensate for goods and services from private sources;
- (6) Direct and compel evacuation of all or parts of the population from any stricken or threatened area within the county if such action is deemed necessary for the preservation of life or other disaster mitigation, response or recovery;
- (7) Prescribe routes, models of transportation and destinations in connection with any evacuation;
- (8) Control egress and ingress to and from a disaster area, with the movement of persons within the area and the occupancy of the premises therein;
- (9) Suspend, or limit, the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles;
- (10) Suspend, or limit, nonemergency activities and prohibit public assemblies.

Sec. 9-56. - Director duties.

The director shall maintain liaison with the state and federal authorities and with officials of other nearby political subdivisions, so as to insure the most effective operation of the emergency plan. The Director's duties shall include, but shall not be limited to the following:

- (1) Development and publication of emergency plans in conformity with state emergency plans for the immediate use of all the facilities, equipment, manpower and other resources of the county for the purpose of minimizing or preventing damage to persons or property, and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and welfare.
- (2) Control and keep necessary records of funds and properties which may be made available from the federal, state, county and municipal governments.
- (3) Submission of annual budget requirements to the state and federal government as required, and to the county council.
- (4) Signing such documents as are necessary in the administration of the county emergency management program to include grant project applications and billing for purchases under project applications.
- (5) Directing and coordinating the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management purposes.
- (6) Through public information programs, educating the civil population as to actions necessary and required for the protection of their persons and property in case of enemy or natural disaster.

- (7) Conducting exercises to ensure efficient operations of the emergency services department and to familiarize residents of the county with emergency preparedness procedures and operations.
- (8) Coordinating the activities of all other public and private agencies engaged in the emergency management programs.
- (9) Negotiating with owners or persons in control of buildings or other property for the use of such buildings or property for emergency preparedness purposes, and designating suitable buildings as public shelters.
- (10) Assume such authority and conduct such activity as may be necessary to promote and execute the emergency operations plan.

Sec. 9-57. – Cooperation with director; Notification to director.

All employees of departments, commissions, boards, institutions and other agencies of the county, designated as emergency management forces, shall cooperate with the director in the formulation of the county emergency operations plan, and shall comply with the orders of the director when such orders are issued pursuant to the provisions of this article.

All such emergency operation center forces shall notify the director of the conditions of the county resulting from natural disaster or emergencies, and they shall inform the director of any conditions threatening to reach proportions of a natural disaster as defined herein. Failure to notify the director, however, shall not prevent the director from exercising authority assigned to him by this act.

Sec. 9-58. - Appointment of volunteers.

The director may at any time appoint or authorize the appointment of volunteer citizens to augment the personnel of a department in time of civil emergency. Such volunteer citizens shall be enrolled as civil emergency volunteers in cooperation with the heads of the county departments affected, and they shall be subject to the rules and regulations set forth by the director for such volunteers.

The director may also appoint volunteer citizens to form the personnel of a civil emergency service for which the county has no counterpart-in key functional areas.

Sec. 9-59. - County and municipal employees.

The county and any municipal employees assigned to duties as a part of the emergency operations center pursuant to the provisions of this act shall retain all the rights, privileges, and immunities of employees, and shall receive compensation incident to their employment in accordance with policies adopted by County Council

Sec. 9-60. - Civil liability.

This act is an exercise by the county as its governmental functions for the protection of the public health, property and welfare of the county, or any individual, receiver firm, partnership, cooperation, association, or trustee, or any of the agents thereof, in good faith, carrying out, complying with, or attempting to comply with any order, rule or regulation promulgated with any damage sustained to persons or property as a result of such activity.

Any person owning or controlling any real estate or other premises who voluntarily and without compensation grants the county the right to inspect, designate or use whole or any part or parts of such real estate or premises for the purposes of sheltering persons during an actual, impending or threatened emergency shall not be civilly liable for the death or, or injury to, any person on or about such real estate or premises under such license, privilege, or other permission, or for loss or damage to the property of such person.

Sec. 9-61. - Enforcement.

It shall be unlawful for any reason to violate any of the provisions of this act or the regulation issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency services in the enforcement of the provisions of this act, or any regulation issued thereunder. Any person found in violation of this article shall be guilty of a misdemeanor.

Sec. 9-62. – Adoption of Emergency Operations Plan

County Council hereby promulgates and adopts the Jasper County Emergency Operations Plan under date of January, 2020, a copy of which is filed in the Register of Deeds Office for Jasper County as an attachment to this Ordinance, with additional copies available at the Clerk to Council's Office and the Director of Emergency Services. In the event of a conflict between this Ordinance and the Emergency Operations Plan, the provisions of this Ordinance shall prevail.

Sec. 9-63. - Authority to remove and abate hazardous materials and substances.

County Emergency Services, in cooperation with all other appropriate jurisdictional authorities, is authorized to remove and abate the effects of any hazardous material or substance incident:

- (1) Upon or into the environment of or property or facilities in the Jasper County Fire—Rescue Protection District;
- (2) Pursuant to any mutual aid agreement in effect; or
- (3) Outside the corporate or response limits where the health, welfare, or property of the county or those people within its protection are in danger.

Secs. 9-64—9-79. - Reserved.

**Section 3. Severability.**

If any section, clause, paragraph, sentence or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence or phrase shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the County Council that the remainder of this ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.

**Section 4. This Ordinance shall take effect upon approval by Council.**

SIGNATURES AND ATTESTATION FOLLOW

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**Henry Etheridge**  
**Chairman**

**ATTEST:**

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**Tisha Williams**  
**Acting Clerk to Council**

**ORDINANCE: 2020-\_\_**

**First Reading:** June 1, 2020  
**Second Reading:** July 6, 2020  
**Public Hearing:** July 6, 2020  
**Adopted:** July 20, 2020

Reviewed for form and draftsmanship by the Jasper County Attorney.

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**David Tedder**

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**Date**